

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES (FIRST REQUEST)

11

## I. DISCOVERY COMPLETED TO DATE

The Parties have participated in the following discovery to date:

1. The Parties met and conferred and timely filed a Joint Status Report Regarding Removed Action including the date certain indicated for their FRCP 26 Conference;
2. The Parties timely appeared for their FRCP 26 Conference and timely exchanged disclosure statements thereafter;
3. Plaintiff's FRCP 26.1 Initial Disclosure of Witnesses and Exhibits;
4. Defendant Cardenas Markets LLC's Initial FRCP 26(A)(1)(A) Disclosures;
5. Defendant Cardenas Markets LLC propounded written discovery;
6. The Parties met and conferred in good faith pursuant to LR IA 1-3(f) regarding the proposed Stipulation and Order Regarding FRCP 35 Medical Examination of Plaintiff Aurelio Infante Landin tentatively scheduled to proceed on February 4, 2022 with Dr. Wang subject to execution of the Stipulation and Order regarding same. (*See*, [proposed] Stipulation and Order Regarding FRCP 35 Medical Examination of Plaintiff Aurelio Infante Landin, attached hereto as **Exhibit A**).

## II. DISCOVERY REMAINING TO BE COMPLETED

The Parties plan to complete the following discovery:

1. FRCP 35 Medical Examination of Plaintiff Aurelio Infante Landin tentatively scheduled to proceed on February 4, 2022 with Dr. Wang subject to execution of the Stipulation and Order regarding same;
2. Plaintiff to propound written discovery on Defendant Cardenas Markets LLC;
3. Depositions of Plaintiff and Defendant's 30(b)(6) representative;
4. Depositions of percipient witnesses;
5. Depositions of the Parties' treating physicians and/or retained experts;
6. Supplemental FRCP 26 disclosures;
7. Additional written discovery and/or subpoena duces tecum of records from necessary providers;
8. Initial expert disclosures;

9. Rebuttal expert disclosures;

10. Any additional discovery that is necessary as the Parties proceed through discovery.

### **III. REASONS WHY DISCOVERY NOT COMPLETED WITHIN TIME SET BY DISCOVERY PLAN**

The Parties have acted in good faith, attempting to comply with discovery deadlines in light of the ongoing Covid-19 pandemic, perpetually shifting government protocols, and dissemination of information regarding social distancing and local mandates related thereto. Defense Counsel submits that due to Covid-19 protocols varying among medical providers he has had difficulty securing a medical examiner, in addition to a Spanish-English interpreter, in advance of the holiday season. Lastly, Defense Counsel submits that due to an unexpected health circumstance that he was unable to timely file the Stipulation and/or Motion to Extend Discovery deadlines twenty-one (21) days prior to the expiration of the Initial Expert Disclosure deadline.

Accordingly, the Parties respectfully request that the discovery deadlines in this matter be extended by an additional sixty (60) days in this matter.

### **IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

Based on the foregoing, the proposed schedule for completing discovery is as follows:

<b>Discovery Deadline</b>	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Initial Expert Disclosures	January 5, 2022	March 4, 2022
Rebuttal Expert Disclosures	February 4, 2022	April 4, 2022
Discovery Cut-Off Date	March 7, 2022	May 6, 2022
Dispositive Motion Deadline	April 6, 2022	June 6, 2022
Joint Pre-Trial Order	May 6, 2022	July 6, 2022

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**V. TRIAL DATE**

Presently, this matter has not been submitted for trial and no trial date has been scheduled.

DATED 5<sup>th</sup> day of January 2022.

DATED 5<sup>th</sup> day of January 2022.

**ERIC BLANK INJURY ATTORNEYS**

**BREMER WHYTE BROWN &  
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/s/ David M. Moore

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*Attorneys for Defendant*

**IT IS SO ORDERED.**

DATE: January 6, 2022.

  
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**UNITED STATES MAGISTRATE JUDGE**

From: Ty M. Maynarich

Sent: Wednesday, January 05, 2022 1:54 PM

Case 2:21-cv-01815-RFB-BNW Document 19 Filed 01/05/22 Page 5 of 5

To: David Moore <[dmoore@ericblanklaw.com](mailto:dmoore@ericblanklaw.com)>

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Subject: RE: Infante v. Cardenas Market - 1438.197 - SAO Rule 35 Exam of Plaintiff and SAO Cont. Discovery Deadlines

Thank you for your authorization to electronically sign David. I also modified the statement now that you confirmed that your client is available on February 4, 2022. I intend to file this today.

Best Regards,

Ty Maynarich

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From: David Moore <[dmoore@ericblanklaw.com](mailto:dmoore@ericblanklaw.com)>

Sent: Wednesday, January 05, 2022 8:39 AM

To: Ty M. Maynarich <[tmaynarich@bremerwhyte.com](mailto:tmaynarich@bremerwhyte.com)>

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Subject: RE: Infante v. Cardenas Market - 1438.197 - SAO Rule 35 Exam of Plaintiff and SAO Cont. Discovery Deadlines

\*\*\* This is an external email \*\*\*

My client is available Feb. 4. Both Stips are fine.

**David M. Moore**

**Attorney**

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